

PARALYZED THE COURT

Startling Answer Given by One Juror.

W. F. Babcock is an Overdue.

The Call of Feb. 16 says: Shortly after the American ship W. F. Babcock left Baltimore last September she was reported ashore in Chesapeake Bay. Word was received later of her having been found unharmed and in condition to continue her voyage. Still later the pilot that took the ship to sea was heard from and he denied absolutely that the vessel had been ashore or in any danger. She had anchored on account of the fog, he said, and the report of her having been ashore was carried by some one who sighted her after the fog had lifted, but before she had got up her anchor. The Babcock left Baltimore 129 days ago and yesterday was quoted for reinsurance at fifteen per cent. The Babcock is one of the Seawall fleet and is commanded by Captain Moxsen, who was promoted to his present charge for his gallant efforts in fighting fire on the ship Shenandoah, of which he was chief officer.

ARRIVED.

Friday, Feb. 26.
S. S. Alameda, Dowdell, from San Francisco, at 7:50 a. m.
Stmr. Helene, Nelson, from Hawaii ports, at 5 a. m.
Stmr. Ke Au Hou, Tullett, from Kauai ports, at 7:20 a. m.

Sunday, Feb. 28.
Stmr. W. G. Hall, Thompson, from Nawiliwili, 3:10 a. m., with 6000 bags sugar for Backfield & Co., 25 M. T. shls., 21 bbls. hides, 2 bbls. tallow, 44 boxes sundries.
Stmr. Claudine, Parker, from Kahului, 5 a. m.
Stmr. Mokihana, from Oahu ports, 7 a. m.

Monday, Feb. 29.
Stmr. Chas. L. Woodbury, Harris, from Hilo and Pukako at 7 a. m.
Stmr. Kawailani, Moses, from Kooau ports, at 2:30 a. m.

DEPARTED.

Friday, Feb. 26.
Stmr. Mauna Loa, Simerson, for Maui, Kona and Kau ports, at 12 m.
Stmr. Helene, Nelson, for Lahaina, Maui, Kawaihau, Mahukona, Laupahoehoe and Hilo, at 5 p. m.

Sunday, Feb. 28.
S. S. Nevada, Greene, for Kahului, 3 p. m.
Monday, Feb. 29.
Stmr. Lehua, Napala, for Molokai ports, at 5 p. m.

Stmr. Ke Au Hou, Tullett, for Kona, Anahulu, Kailiawai, Kilauea and Maunaloa, at 5 p. m.
Gaso. schr. Eclips, Gahan, for Anahulu, at 5 p. m.

Stmr. Kauai, for Punahele, 4 p. m.

PASSENGERS.

Arrived.
Per stmr. Mauna Loa, Feb. 26, for Lahaina, Maui, Kona and Kau ports: Dr. Frear, N. W. Aluli, Miss A. Frank, J. Lucas, S. Kellin, A. W. Carter, Miss M. Gaspard, William McLaughlin, W. W. Zander.

Per stmr. Claudine, Feb. 25, for Kauai ports: Charles Gay, G. H. Paris, A. Lindsay and wife, T. C. Davies, C. Gerner, J. M. Spaulding, George H. Fairchild.

Per stmr. Claudine, from Kahului, Feb. 25: J. P. Cooke, Geo. O. Cooper, E. Dunkhase, Mrs. D. McIntyre, H. E. Hendrick, T. M. Date, W. J. Coelho, Cook Ngai Awana, C. S. An, Mr. Moon, J. J. Song, Mrs. A. A. Tavares, Mrs. Chas. David, Rev. P. K. Woo, N. W. Aluli, R. W. Shingle, J. Lucas, Miss Gehry.

Per stmr. W. G. Hall, from Kauai ports, Feb. 28: T. C. Davies, F. M. Swaney, W. J. M. Miss M. Sturtevant, M. F. Prosser and wife, F. S. Munsell, E. Adachi, Chong Tong, C. A. Larsen, E. V. Sturtevant and wife, S. M. Vanshain, J. W. Farwell, Miss M. Waterhouse, M. C. O'Mara, H. L. Rosenblatt, Yee Sheong and 24 deck.

PASSENGERS BOOKED.

Per Kinau for Hilo and way ports, March 1 at 12 noon: C. E. Olding, H. J. Cambric, H. B. Cambric, A. Lours, Capt. Curtis, Mrs. A. A. Young and child, John Hind, J. S. Low, Miss Freney, Mrs. M. Pacheco, O. Lemon, T. A. Proctor, A. A. Young, W. Leitch, Paul Jarrett, D. S. Bowman, Miss Florence Presbrey, Miss C. Presbrey, Mrs. Ada Omer, Mrs. A. Thomas and daughter, H. C. Dennison, Dr. Presbrey, C. McLennan, P. Peck, W. F. F. Funstein, wife and son, J. E. Metcalf and wife, Joe. Rosen, Mr. Walker, S. Seydam, J. Frye, Miss Le Toler, Mrs. J. C. Moine.

Per S. S. Alameda, sailing Wednesday morning March 2, at 9 o'clock for San Francisco: Mrs. Gerald and three children, Miss F. M. Handy, S. C. Nell, W. A. Cowley, Miss L. M. Adams, J. E. Milton, Mrs. R. W. Young, A. Patterson and wife, J. Pingree, Miss C. E. Gay, D. A. Smythe and wife, Mrs. F. M. Husted, Southard Hoffman, Jr., E. Tschumi, Miss E. H. Colburn, G. H. Helman and wife, W. S. Palmer and wife, K. E. Morgan and wife, W. B. McCabe, G. F. Bush, Mrs. Barry, Mrs. Schrader, Leroy Talbot, Mrs. Capt. Rodman, Mrs. Capt. Olsen, Miss M. T. Bird, S. B. Cannell and wife, Jesse L. Woods, J. I. Kirchberg, P. T. McHenry, A. F. Brown.

IT HAS SCORED SUCCESS

(Mail Special to the Advertiser.)

WASHINGTON, D. C., Feb. 11.—The intelligent upbuilding of the Department of Commerce and Labor here is attracting much favorable attention in Congress. Business men over the country are learning that this new department, now organized less than a year, has a large field of usefulness ahead. It is attaining to the usefulness, designed by Congress in creating it, much more rapidly than Congress expected. There are always critics to disparage a new undertaking. They were not silent when the new Department was authorized. But the Department is destined before long to be quite as popular in its field of work as the Agricultural Department is with the farmers of the country.

Secretary Cortelyou, the first member of the Cabinet to represent the interests of Commerce and Labor, will be able this year to get appropriations for his work much more easily than was the case one year ago. He has proceeded cautiously, thinking it better to proceed slowly than to proceed with haste and make mistakes. The Department has been installed in very presentable quarters, all the offices being new, well arranged, and, although not highly pretentious, admirably suited to the present needs. He has given careful attention to the personnel, gradually bringing together as efficient and courteous a working force, as can be found in the Departments of any of his cabinet colleagues and possibly more so. There have been no pyrotechnic methods. Consideration of matters affecting immigration, corporations, labor interests, shipping, and other topics over which the Department has been given jurisdiction, has proceeded along conservative lines. The Secretary has been laying the foundation for very extended operations, wherever there seemed to be an opportunity to collect useful information for manufacturers, shippers, wage earners, or for the general public.

One interesting incident of Secretary Cortelyou's administration has been his attention to the development of good material for the important places in his Department from the force of government clerks. It has almost become an axiom in official Washington that the government clerk, however bright and promising he may have been, speedily becomes a drudge without ambition. Many of these clerks are college graduates and were accounted in their communities men who ought to make good careers for themselves. It is rare that one of them rises to a position of much importance, if remaining in the service a half dozen years. Mr. Cortelyou, however, is one of the most conspicuous examples of what a government clerk can do if he will. He used to have a clerkship in the Post-office Department.

Since he became a member of the Cabinet and head of a Department, Mr. Cortelyou has had his eye upon young men who could fit into good places within his gift. He now has a clerical force of very willing young men and, in the last few months, they have made an unusual record in the number of extra hours of work. A census of the time of work in the different departments was taken not long ago, when the President was about to direct that the working hours in the Departments should be extended from 4 p. m. to the usual closing hour, to 4:30 p. m. The figures showed that Mr. Cortelyou's clerks had been remarkably industrious.

Mr. Cortelyou is himself a very diligent worker. It is nothing uncommon for him to go to the Department in the evening to attend to official business. Not a long time ago, he noticed a square jawed young man also working at his desk frequently along into the evening. He made some inquiries about the young man's record, found it was good, and gave him a fine promotion.

When Secretary to the President, one of Mr. Cortelyou's popular traits was his tactful courtesy in dealing with the thousands of people coming to his office. That is also characteristic, not only of his own office but of every office in his department. Mr. Cortelyou wants to see everybody possible, who has legitimate business. Those who come are given that impression, the moment they come in contact with the men in his anteroom. This courtesy wins the Secretary friends and helps his Department.

Akaka Will Leave.
Alfred Akaka, one of the crack sprinters of the Kamehameha schools, will leave for Kauai this evening on the steamer Ke Au Hou to spend his vacation at home and possibly may not return to Honolulu. He was expected to have represented the school in the Boys' Brigade field day sports in March, but may not be able to return in time to do so. Kamehameha people lose in this way one of their best athletes.

CRIMINAL MATTERS.
Manchong's trial for the murder of Mahelona, the policeman who was attempting to arrest him in the act of stealing, was yesterday continued for the term by Judge Robinson. The reason was that the jury were excused until called for the Jones murder trial next Monday, which will probably exhaust some weeks of the term.

Solomon Meheula, Enoch Johnson and Jonah Kumalae, indicted in connection with the House vouchers, yesterday had their pleas further continued until tomorrow.

After a short session yesterday, the grand jury adjourned until tomorrow morning.

HABEAS CORPUS AGAIN.
Goto's habeas corpus case, which has been hanging fire since November 20 last, had a fresh airing before Judge Gear yesterday morning. The ground of petition for the writ is that Goto is imprisoned contrary to the constitution, the punishment of imprisonment in default of paying a fine of \$350 and costs being "infamous" and, therefore, not lawfully to be imposed without indictment by a grand jury. Goto received the sentence just mentioned on September 11, on appeal from the District Court. J. W. Cathcart appeared for the writ; E. C. Peters, Deputy Attorney General, for High Sheriff A. M. Brown and Jailer William Henry.

High Sheriff Brown, answering questions by the court, stated that he was personally aware that since 1893 prisoners had not been hired out to private employment. A law of 1890, as he thought, restricted the labor of prisoners to work for the Government.

BIG SUGAR CARGO AWAITS TEXAN
A big cargo of sugar awaits the arrival of the American-Hawaiian steamship Texan which is due to leave Seattle today for Honolulu. The vessel will load in 11,000 tons for transportation to Delaware Breakwater. The sugar will be taken on as follows: Honolulu, 7000; Kahului, 2000; Hilo, 2000.

DAVIS CASE WIPED OFF

Some Old Estate Suits. Probate and Other Matters.

The Supreme Court has thrown out the latest series of petitions for rehearing of his disbarment case filed by George A. Davis, its ruling being recorded in the following minute of court:

In the matter of George A. Davis, an attorney at law. Petition for Rehearing. Submitted February 25, 1904. Decided February 27, 1904. The judgment of disbarment was rendered on August 10, 1903, at the October, 1902, term. Within the thirty days allowed by Rule 11 of this court, which provides that "a petition for rehearing may be presented only within thirty days after the filing of the opinion," the respondent filed on September 2, 1903, a petition for rehearing and on September 5, 1903, a supplemental petition for rehearing, which petitions were heard at the November session of the present term and denied on January 19, 1904. Three other petitions for rehearing have been subsequently, during the present term, filed, the first on January 27, the second on February 2 and the third on February 19. The attorney General moves to strike these three last mentioned petitions from the files. Per Curiam: The motion is granted and the three petitions are stricken from the files.
Honolulu, February 27, 1904.
GEORGE LUCAS, Clerk.

HOLT ESTATE SUITS.
Henry Smith, trustee of the estate of Robert William Holt which is described as having been ever since July 6, 1862, pending final probate proceedings, has brought a bill in equity against Christopher J. Holt, Emma M. Holt and Carlos A. Long, for the purpose of foreclosing a mortgage securing a note for \$1500 at 8 per cent per annum made to Bruce Cartwright, the complainant's predecessor, on July 10, 1896. C. W. Ashford and Ella A. C. Long are attorneys for complainant. Carlos A. Long is a defendant from his claiming to have been judicially appointed as administrator de bonis non with the will annexed of the estate of Robert William Holt.

A similar suit, only with John D. Holt, Jr., as the principal defendant, is \$12,500.

INSTRUCTIONS WANTED.
Bruce Cartwright, as trustee of the Queen Emma Estate, has brought a bill in equity for instructions, naming himself as administrator of Prince Kuniakake's estate, the Queen's Hospital and Mele L. Kuniakake as defendants.

Queen Emma by her will devised certain pieces of real estate to Alexander J. Cartwright, predecessor of the plaintiff, in trust to pay one-half of the income thereof to the Queen's Hospital and one-half to her cousin, Albert K. Kuniakake, during the term of his natural life and after his death to his lawful issue. In case of the death of other annuitants named in the will,

the income thereof to be paid to the issue of the said Albert K. Kuniakake, in fee simple.

To Be Depended On
Because It Is the Experience of a Honolulu Citizen and Can Readily be Investigated.

A stranger lost in a large city would place far more dependence on the directions given him by a local resident than the guidance of another stranger like himself. This is a natural consequence of experience; it's like a ship in a strange port—a trusty pilot familiar with the harbor is always called upon to bring her safely to her moorings. So it is with endorsement; we doubt the sayings of people living at a distant point because we can't investigate, but public expression of local citizens can be depended upon, for 'tis an easy matter to prove it. Evidence like the following is beyond dispute:

Mr. W. F. Williams of this city, is a light-house keeper, and he has held this position for the last 30 years. He says: "I was for a number of years, one of that numerous army of people who suffer with their backs. Mine ached and pained me to no small extent, so that I was glad when I heard of a remedy for it, Doan's Backache Kidney Pills. I obtained some of these at the Hollister Drug Co.'s store, and took them. They gave me great relief, and I make this short narration of my experiences for the benefit of others who perhaps do not know that nearly all backache arises from the kidneys, and the best medicine for it is Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are 50 cents per box, for sale by all druggists; sent by mail on receipt of price by the Hollister Drug Co., Honolulu wholesale agents for the Hawaiian Islands.

NOTICE.
The partnership heretofore existing between The Greenwell Estate and George Clark of Honolulu, North Kona, Hawaii, has this day been dissolved by mutual consent.
E. C. GREENWELL, Executor.
January 12, 1904.

"They have called two doctors in for consultation." "And do the doctors agree?" "I believe they have agreed upon the price."—Philadelphia Ledger.

Honolulu is willing to be behind its fortifications but not in front of them.

LILUOKALANI'S CLAIM

(Continued from page 7.)

They are careful to file a caveat as to that. Now, what is there left? On the ruins of the monarchy was erected the Republic of Hawaii, which by operation of law became the successor of the monarchy in the ownership, and therefore in the right to the usufruct of the Crown lands. The Republic of Hawaii existed as a government, taking to herself the rental and profits of this land, for four years or more, until by agreement or compact between the United States and the Republic of Hawaii that Republic committed suicide and became merged with the United States, the property of the United States.

I can readily believe that the men who dethroned her out there and her followers surround these kind-hearted members of the Senate and favor an appropriation of this kind to Liliuokalani. Perhaps they who dethroned her feel that they wronged her and would be glad to have some other purse than theirs open to reparation for their wrong. But the Senators do not urge that.

We took Hawaii, Mr. President. I voted against it. I think it would have been better for Hawaii had she not been acquired by the United States, and I think our purposes would have been subserved quite as well by fortifying and improving Pearl Harbor, which we owned. But that has gone by.

What was our agreement with Hawaii? Did she come to us without cost? Did we take her to govern her and protect her and safeguard her people for all time without burden? There is an inherent burden in such an ownership.

But we did more than that. We assumed, in the joint resolution by which we acquired Hawaii, the public indebtedness of Hawaii of every description, with a simple proviso that it should not exceed \$4,000,000. I have no doubt it reached that maximum. Has the Senator information about that?

Mr. Mitchell. It was more.

Mr. Spooner. I remember after that we passed some laws which added largely to the expenditures. The United States therefore did not simply embrace the Republic of Hawaii and hold it in its embrace. It bought the territory, took the debt, and is expending large sums of money, I take it, as is true as to other territory, in administering from the national standpoint their affairs.

Now, Mr. President, there is not a shadow of foundation for this claim so far as the Crown lands are concerned, nothing that would appeal to the court, nothing that can appeal to the conscience of a trustee who is called upon to pay out other people's money.

Mr. Mitchell. The Senate thought differently once, because it passed this precise bill in the last Congress.

Mr. Spooner. I opposed it.

Mr. Mitchell. You are consistent.

Mr. Spooner. I know I am consistent. It does not follow because the Senate passes bills that they ought to be passed.

Mr. Mitchell. And it does not follow because the Senate opposes bills that they ought not to pass.

Mr. Spooner. No. Notwithstanding my opposition to this bill, it passed, and perhaps it will pass now, but it will not pass with my vote.

Mr. Mitchell. I wish to state, as one member of the committee, that, in my judgment, if there is not some kind of claim on the part of this woman growing out of the Crown lands—that is, out of the proceeds of the Crown lands—then I do not think she has any claim at all, and she ought not to have a cent.

That is my opinion and has been from the first in regard to this matter. But I do think, and I have always thought since I have investigated it, that there is a claim here, not a legal claim, not an equitable one, but one which as between this great nation and the former sovereign of Hawaii ought to have consideration.

Mr. Spooner. Mr. President, there is not.

Mr. Mitchell. The Senator understands what I mean. He did from the first, but would not admit it.

Mr. Spooner. I only understand what the Senator means by what the Senator says.

Mr. Mitchell. I have said the same thing all the time.

Mr. Spooner. I understand the Senator to say that there is no claim here in his judgment, either legal or equitable.

Mr. Mitchell. The Senator did not put in the qualification. I did not state the proposition as he has stated it.

Mr. Spooner. No; I am going to state the balance of it. The thing is as unsubstantial.

As a painted ship Upon a painted ocean. That is all there is to it.

Now, what international question is there here, Mr. President? Hawaii is not a nation. There is no international relation between the United States and Hawaii. The Republic of Hawaii, the independent Republic of Hawaii, is dead. She agreed to annex her territory, and died in the operation.

When the Senator talks about international questions, there is nothing on earth except the claim of Liliuokalani that she was once a monarch and is a monarch no longer; that she had once a large income from Crown lands and is no longer entitled to an income from Crown lands, and that in process of time for \$4,000,000, and vastly more, this Republic has acquired Hawaii, and therefore we ought to pay her \$200,000.

The debate continued at some further length. Mr. Spooner enlarged to some extent upon what he had already said. Mr. Platt, of Connecticut, remarked: "I am now told by those who favor the bill that it is admitted that this ex-Queen has no claim, legal or equitable, and yet they report a bill here which proposes to pay her \$200,000 in discharge of all her claim, legal and equitable, against the government of the United States."

"It being admitted that she has no claim, legal or equitable, the words ought to go out, at any rate, and if anything is to be paid it ought to be a mere gratuity." Then he added, after



A great many people want long, heavy hair, but how to get it, that is what puzzles them. The fact is, the hair needs a little help now and then. The roots require feeding.

When the hair is starved, it stops growing, loses its lustre, falls out, turns gray. Ayer's Hair Vigor is a hair-help. It makes the hair grow, stops it from falling, and completely cures dandruff.

Ayer's Hair Vigor
If your hair is fading or turning gray, begin at once with Ayer's Hair Vigor. It will positively restore color to your gray hair, all the full, rich color it had in early life.

As a hair-dressing you will certainly like it, for it keeps the hair soft and glossy and prevents it from splitting at the ends.

Do not be deceived by cheap imitations which will only disappoint you. Make sure that you get the genuine Ayer's Hair Vigor.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U. S. A.

HOLLISTER DRUG CO.

FORECLOSURES.

MORTGAGEE'S NOTICE OF INTENTION OF FORECLOSURE AND OF SALE.

A. B. LOEBENSTEIN.

Notice is hereby given that pursuant to the power of sale contained in that certain mortgage dated September 6th, 1897, made by A. B. Loebenstein, Trustee, of Hilo, Island of Hawaii, Hawaiian Islands, mortgagor, to W. O. Smith, Trustee, of Honolulu, Island of Oahu, Hawaiian Islands, mortgagee, and recorded in the Register Office, Oahu, in Liber 171, pages 237, 238 and 239, and which said mortgage was assigned and transferred by said W. O. Smith, Trustee, to A. S. Wilcox, of Hanalei, Island of Kauai, Territory of Hawaii, by assignment dated September 6th, 1897, and recorded in the Register Office, Oahu, in Liber 171, page 307, the said A. S. Wilcox, assignee of the mortgage, intends to foreclose said mortgage for condition broken, to-wit, the non-payment of principal and interest when due.

Notice is likewise given that the property conveyed by said mortgage will be sold at public auction at the Court House in Hilo, Island of Hawaii, Territory of Hawaii, at 12 o'clock noon, on Thursday, the 24th day of March, 1904, by I. E. Ray, auctioneer.

The property covered by said mortgage consists of all that certain piece, parcel or lot of land situate in Hilo, Island of Hawaii, Hawaiian Islands, generally called Reeds Island, being a parcel of land surrounded by parts of the Waialuku River, and being a portion of the Ahupuaa of Pihonua, called "Koloiki," and containing an area of 28 acres more or less.

Together with all the rights, easements and appurtenances thereto belonging and the improvements that may be thereon.

Terms: Cash, United States Gold Coin; deeds at the expense of purchaser.

For further particulars apply to W. O. Smith, Judd Building, Honolulu, or I. E. Ray, Hilo, Hawaii.

A. S. WILCOX, Mortgagee.

Dated Honolulu, February 25, 1904.

2567-1d.

Magistrate—"Will you take this man to be your lawful husband, love, honor, and obey him?" Miranda—"Look hyar, Judge, I'll 'gree to wash an' iron fer dis nigger, but I ain't gwine ter 'low him ter boss me."—Butte Inter-Mountain.

reading a paragraph from the special committee's report:

"So that we come to this: Is there any reason why, upon considerations of national grace, public and private justice, political policy, and fair, equitable dealing, we should pass this little bill of \$200,000 for this ex-Queen? It seems to me, Mr. President, that even upon this ground this bill can not be sustained. I think the committee ought not to have inserted those words, 'national grace.' What is national grace? I do not see that that has anything to do with the matter."

"Public and private justice." It is admitted that there is no payment to be made here on the ground of either public or private justice.

"Political policy." What is there of political policy which should lead this Government to make this appropriation?

"Fair, equitable dealing upon the part of a great and powerful nation." It has been admitted in the discussion here that there is no equitable claim and no legal claim. What the committee ought to have said, if they wanted to put it upon the exact ground on which they are putting it here, is 'on account of our sympathy for the ex-Queen.'"

The discussion soon ended, after Senator Heyburn had spoken briefly in opposition to the appropriation, in consideration of amendments and in the final motion of Senator Spooner to recommit the bill to the Committee on Pacific Islands and Porto Rico.

ERNEST G. WALKER.

NO OTHER LINIMENT will heal a cut or bruise so quickly as Chamberlain's Pain Balm. No other affords such prompt relief from rheumatic pains. No other is so valuable for deep seated pains like lame back and pains in the chest. Give this liniment a trial and become acquainted with its remarkable qualities and you will never wish to be without it. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.